

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**IN RE: NATIONAL FOOTBALL  
LEAGUE PLAYERS' CONCUSSION  
INJURY LITIGATION**

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**MDL No. 2323  
12-md-2323**

**APPLICATION OF DERRIEL C. MCCORVEY FOR  
APPOINTMENT TO THE PLAINTIFFS' STEERING COMMITTEE**

Derriel C. McCorvey requests that this Honorable Court appoint him to the Plaintiffs' Steering Committee ("PSC") in MDL No. 2323. Mr. McCorvey is cognizant of the fact that the Court's published deadline of April 4, 2012 has passed. In light of the fact that his suit was only recently filed on April 13, 2012 in the E.D. LA, Mr. McCorvey respectfully requests that this Court consider and accept this application, and that Mr. McCorvey be appointed to the PSC herein. In support thereof, he states as follows:

Mr. McCorvey is counsel of record in the following case in the NFL litigation in *Brooks et al V. National Football League et al*; Case No. 2:12-cv-0094-SSV-DEK, which was filed 4/13/2012 in the federal E.D. LA, which is pending transfer to this Court.

This Court should ensure that designated counsel fairly represent the various interests in the litigation. Where diverse interests exist among the parties, the court may designate a committee of counsel representing different interests.<sup>1</sup> The importance of representativeness and diversity in the appointment of MDL PSC should be emphasized.

This case involves claims arising from concussions experienced by professional athletes of the National Football League, specifically football players. Today, recent studies have shown that the NFL is approximately 70% non-white, with African Americans making up 67% of players, and Polynesians (an

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<sup>1</sup> Manual for Complex litigation, Fourth; § 10.224.

anomalously high 1.7% of NFL players are American Samoans), non-white Hispanics, Asians, and people of mixed race making up the remaining 3% of league players. Whites make up only 30% of current NFL league players. These statistics are in contrast to the general population of the United States, which is 34% non-white.<sup>2</sup>

Mr. McCorvey is an African American trial attorney and the only plaintiff counsel who has played in the NFL, and who has submitted an application to this Court to be appointed to the PSC. Please note that none of the named attorneys recommended previously to this Court for leadership positions are African American. Mr. McCorvey's appointment to the PSC will provide the PSC with a member that would be representative of the vast majority of the putative class members. In cases of this magnitude, minorities need and should have a racially diverse PSC ensuring minorities voices in this litigation.

The Plaintiffs Steering Committee would benefit from lawyers and law firms who are both leaders and followers at the same time, and who has demonstrated an ability to do just that.

Mr. McCorvey will be working via a joint venture with co-counsels, Willie James Singleton, also an African American attorney from Louisiana; Alphonso Michael "Mike" Espy, an African American attorney from Mississippi and former member of the U.S. House of Representatives and former U.S. Secretary of Agriculture and Vance Andrus, based in Colorado. In fact, Mike Espy's son played three (3) years in the NFL with the Washington Redskins. This group of combined firms brings much to the table as advocates for putative class members and representatives of the Court in this class litigation.

Mr. McCorvey seeks the Court's consideration for the appointment to the PSC with the knowledge that this case presents complex litigation that will require the cooperative efforts of leading attorneys throughout the nation.

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<sup>2</sup> The 2011 Racial and Gender Report Card: National Football League By Richard Lapchick, With Wayne Clark, Demetrius Frazier, and Christopher D. Sarpy at The Institute for Diversity and Ethics in Sport ; Released September 15, 2011.

Mr. McCorvey possesses the willingness and availability to commit to this time-consuming project. Mr. McCorvey has demonstrated an ability to work cooperatively with others, and has extensive professional experience in diverse areas of litigation, from class actions to maritime injuries to automobile accidents, to settlement Monitoring and Portfolio Monitoring for institutional clients, such as public pension funds, Taft-Hartley pension funds, and private investment funds to wrongful death, and other legal causes of action.

Mr. McCorvey is currently not a lead or liaison counsel in any other MDL proceeding that would limit his ability to devote a significant amount of time to this proceeding.

Mr. McCorvey is a PSC appointed Plaintiffs' attorney, in the MDL NO. 2179, In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010; in MDL NO. IN RE: ACTOS (PIOGLITAZONE) PRODUCTS LIABILITY LITIGATION; 6:11-MD-2299; In Re: American Medical/ In re: Pelvic Repair; 2:12-md-02325.

Mr. McCorvey demonstrated his ability to work with liaison counsel and members of his workgroups in the current BP litigation and that of Actos as well as Transvaginal Mesh litigation although both Actos and Transvaginal Mech litigations are in their early stages. Mr. McCorvey is currently appointed to two (2) workgroups in the BP litigation; the Gulf Coast Claims Facility Workgroup and the B-1 Master Complaint, Economic Damages Workgroup. Mr. McCorvey has made significant contributions to these workgroups. Likewise, Mr. McCorvey was involved in drafting the B1 Bundle Master Complaint for Economic Damages which involves the bulk of all OPA, (Oil Spill Pollution Act), claims in the BP Oil Spill litigation. Committee assignments have yet to be assigned in the Actos and Transvaginal Mesh MDLs.

Mr. McCorvey has over 13 years of trial experience, encompassing a vast scope of legal representation and is the founding owner of the Law Office of Derriel C. McCorvey, L.L.C. Mr. McCorvey received a Bachelor of Arts degree in economics in 1993 from Louisiana State University and a Doctorate of Jurisprudence from the Southern University Law Center in 1998.

Mr. McCorvey served as proud member of the L.S.U. Fighting Tigers Football team from 1988-1993. As a member of the Fighting Tigers, Mr. McCorvey received All S.E.C. honors in 1991, All academic S.E.C. honors from 1991-1993. Mr. McCorvey's L.S.U. academic honors also included being an L.S.U. Athletic Directors Cup recipient from 1990 -1993 and the recipient of the Andrew Gumby Award in 1993, given to the Latin student with the highest grade point average. Immediately after graduating from LSU, Mr. McCorvey played briefly as a member of the Indianapolis Colts of the National Football League in 1993.

Mr. McCorvey is admitted to practice in: Louisiana and Texas; U.S. District Courts for the Western and Eastern Districts of Louisiana and U.S. 5<sup>TH</sup> Circuit Court of Appeal, and likewise, he has been admitted pro hac vice in the U.S. District Courts, Eastern and Southern Districts of Texas and the Northern District of Georgia.

Mr. McCorvey has handled virtually every type of case in the area of civil litigation. The success of Mr. McCorvey's practice is founded on the premise that the client should always be the number one priority. Mr. McCorvey has tried cases in state and federal courts throughout Louisiana and Texas. To wit: [*In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010, MDL NO. 2179 (EDLA)*]; *City of New Orleans Employee's Retirement System v. Hayward, et al*, Case No. 10-cv-1640 (EDLA); *Calvin Richard v. BP, PLC, et al*; Case No. 10-cv-01438 (EDLA); *Richard Brondum et al v. BP, PLC, et al*; Case No. 10-cv-01613 (EDLA); *Joshua Danzig v. BP, PLC, et al*; Case No. 10-cv-01726 (EDLA); *Jarvis Harmon, Sr. v. BP, PLC, et al*; Case No. 10-cv-1931(EDLA); *Rickey Mergist v. Multi-Chem Group, L.L.C., et al*, Case No. 11-cv-1821(WDLA); *United States v. Ernie Joseph Davis*, Case No. 01-cr-00074 (EDTX); *Raphael Simien v. Louie Padilla, et al*, Case No. 02-cv-2530 (WDLA); *Larry Jones v. Delta Towing, L.L.C., et al* Case No. 06-cv-02347 (EDLA); *Denna Bly v. United Fuels & Lubricants, L.L.C., et al*, Case No. 08-cv-00051 (WDLA); *Garland Jean-Batiste v. Lafayette City-Parish Government, et al*, Case No. 08-cv-01985 (WDLA); *United States v. Clifton J. Trahan*, Case No. 08-cr-00088 (EDTX); *United States v. \$112,032.00 U.S. Currency*; Case No. 08-cv-00686 (EDTX); *United*

*States v. Darius Nathaniel Fisher, Case No. 08-cr-0205 (WDLA); United States v. Darius Nathaniel Fisher, Case No. 10-30424 (USCOA 5<sup>th</sup> Cir.); Shawn D. Jackson v. Hall County Sheriff's Office, et al, Case No. 10-cv-00070 (NDGA); Larry Jones, Jr. v. HUB Enterprises, Inc., Case No. 11-cv-00347 (WDLA); and Shawn D. Jackson v. Hall County Government, et al, Case No. 11-cv-00058 (NDGA).; Brooks et al V. National Football League et al; Case No. 2:12-cv-0094-SSV-DEK]*

Mr. McCorvey is an attorney who has learned the value of cooperation dating back to his commitment as a team player as a member of the Fighting Tigers of Louisiana State University and as a member of the Indianapolis Colts.

The Law Office of Derriel C. McCorvey, LLC, in 2007, expanded its practice areas to offer diverse legal services throughout the country by providing class action litigation, settlement monitoring and portfolio monitoring for many institutional clients; such as public pension funds, Taft-Hartley pension funds, and private investment funds.

Mr. McCorvey is ready, willing, able, and available to participate in all pretrial, discovery, and trial work necessary, knowing full well the intensive time demands required of this litigation. Mr. McCorvey also has available sufficient staff and resources to devote to this litigation and can meet any and all financial contributions that may be necessary to ensure the smooth, efficient, professional, and successful workings of the PSC.

Addressing the Court's case management order #1; The Law Office of Derriel C. McCorvey, L.L.C; the Singleton Law Firm; Andrus Hood & Wagstaff; and Mike Espy PLLC formed a joint venture to pursue litigation against the NFL and other responsible Defendants for injuries sustained from experiencing concussions by players in the league. If selected to the PSC, Mr. McCorvey will be responsible for all common benefit work load assigned to him by the executive committee. The aforementioned joint venture law firms will contribute to the work load, the expenses of this litigation and will share equally in common benefit fees generated from this litigation. Likewise, if appointed to the PSC, at the end of this litigation Mr. McCorvey will submit common benefit time and expenses for work

that he and his joint venture firms incurred and would accept whatever award of attorney fees and costs that this Court deems appropriate. There are no side agreements on compensation with any other attorney(s).

The litigation of this case will require the cooperative efforts of all of the attorneys involved, many of whom are from different parts of the country with different talents and experiences. The ability to function as a team, that is to work cooperatively toward a common goal while overcoming differences, obstacles, and disagreement, is vital to the success of the PSC.

WHEREFORE Derriel McCorvey respectfully requests appointment to the PSC.

Respectfully Submitted by:

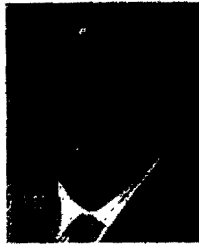
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### **EXPERIENCE**

#### **THE LAW OFFICE OF DERRIEL C. MCCORVEY, L.L.C.**

FOUNDER AND OWNER, ADMITTED TO LOUISIANA & TEXAS BAR

#### **Crawford and Lewis Professional Law Firm**

*Law clerk, Fall of 1996- Spring of 1998*

#### **ATTORNEY GENERAL'S OFFICE: GAMING DIVISION**

*Law clerk, fall of 1996*

#### **LOUISIANA SENTENCING COMMISSION**

*Staff for Sentencing Commission, 1994-1995*

Rated new and amended criminal statutes for ranking in the Louisiana Sentencing Guidelines.

#### **Moore, Walters, Shoenfelt, and Thompson**

*Runner, Summer of 1992*

### **EDUCATION**

#### **SOUTHERN UNIVERSITY LAW CENTER, BATON ROUGE, LOUISIANA**

*J.D., MAY 1998*

#### **LOUISIANA STATE UNIVERSITY, BATON ROUGE, LOUISIANA**

*Bachelor of Arts, Economics, Spring of 1993*

### **HONORS**

- Athletic Director's Cup recipient 1990-93 (Given to student athletes with a yearly average of 3.0 or better)
- Recipient of the Andrew Gumby Award 1993 (Given to the Latin student with the highest GPA in Latin for the year)
- Member of the ETA SIGMA PHI (Latin) 1991-93
- All academic S.E.C. 1991-93
- Member of the L.S.U. Fighting Tigers Football team 1988-1993
- All S.E.C. 1991

## **REFERENCES**

Bud Davis - Former Chancellor at Louisiana State University, 225-578-3202

Roderick White - Professor at Southern University Law Center, 225-771-4900

John Pierre - Professor at Southern University Law Center, 225-771-4900

Okechukwu Oko - Professor at Southern University Law Center, 225-771-4900